



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,171	09/27/2001	Jeff Fluhr	2500004-991100	5990

7590 09/26/2006

David L. Alberti  
Gary Cary Ware & Freidenrich  
Attn: Patent Group  
1755 Embarcadero Road  
Palo Alto, CA 94303-3340

EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/967,171	<b>Applicant(s)</b> FLUHR ET AL.	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-35, are rejected under 35 U.S.C. 102(e) as being anticipated by Martzen et al (Hereinafter Martzen U.S. Patent 5, 987, 429).

As per claim 1, Maritzen discloses a system for providing logistics for a sale goods, said system being adapted to receive information from at least one remote seller and at least one remote buyer, and to provide financial logistics and shipping logistics for completing said sale of goods without requiring interaction between said buyer and said seller.(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 2, Maritzen discloses wherein said system is adapted to receive said information over a 2 communications network. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 3, Maritzen discloses wherein said system is adapted to provide said shipping logistics by use of at least one geography-based and tune-based strategy. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 4, Maritzen discloses wherein said goods are time-sensitive. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 5, Maritzen discloses wherein said goods are event tickets. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 6, Maritzen discloses wherein said shipping logistics include electronically transferring 2said event tickets from said seller to said buyer. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 7, Maritzen discloses wherein said shipping logistics include arranging for a courier to receive said goods from said seller and to deliver said goods to said buyer. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 8, Maritzen discloses wherein said system utilizes said at least one geography-based and time-based strategy to provide said seller with a latest possible time for said sale to end. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 9, Maritzen discloses wherein said system is adapted to receive a sale price for said goods from a seller and to present said goods for sale at said sale price, said system being further adapted to selectively reduce said sale price by a predetermined amount upon expiration of a predetermined time period. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 10, Maritzen discloses wherein said system further utilizes said at least one geography<sup>2</sup> based and time-based strategy to provide said buyer with at least one option for shipping said goods with at least one courier. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 11, Maritzen wherein said financial logistics include authorizing an amount of sale on a credit card of said buyer, charging said credit card for said amount of sale, receiving said amount of sale, and transferring at least a portion of said amount of sale to said seller. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 12, Maritzen discloses a system for providing logistics for a sale of goods comprising:

a first portion adapted to receive information from a seller, including a location, desired sale price and description of certain goods;

a second portion adapted to present said desired sale price and description of said certain goods to a prospective buyer.(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67) a third portion adapted to receive a purchase request and credit card information from said buyer;

a fourth portion adapted to provide financial logistics, including authorizing and charging said credit card, and providing funds to said seller; and a fifth portion

adapted to provide shipping logistics, including arranging for shipping said goods from said seller to said buyer. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 13, Maritzen discloses wherein said first, second and third portions each comprise at least one interactive Web page. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 14, Maritzen discloses wherein said first portion is adapted to determine a last sale time, based upon said location of said goods, a point of last delivery, and an expiration time of said goods. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 15, Maritzen discloses wherein said fourth portion is further adapted to receive confirmation from a seller, and to charge said credit card only after receiving said confirmation. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 16, Maritzen discloses wherein said fifth portion is further adapted to determine at least one shipping option based upon said point of last delivery and said expiration time of said goods. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 17, Maritzen discloses wherein said fifth portion is further adapted to present said at least one shipping option for selection by said buyer. (see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 18, Maritzen discloses wherein said fifth portion is integrated with at least one computer system of a shipping courier. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 19, Maritzen discloses wherein said second portion is further adapted to selectively reduce said desired sale price by a predetermined amount upon expiration of a predetermined time period. .(see column 1 lines 56-67 and column 2 lines1-67 and column 3-8 lines 1-67).

As per claim 20, Maritzen discloses wherein said second portion is further adapted to selectively vary said desired sale price based upon market conditions. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 21, Maritzen discloses wherein said goods are time-sensitive. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 22, Maritzen discloses wherein said goods are event tickets. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 23, Maritzen discloses wherein said fifth portion is further adapted to electronically transfer said event tickets from said seller to said buyer. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 24, Maritzen discloses wherein said point of last delivery is a venue location of said event and said expiration time is a time of said event. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 25, Maritzen discloses a method for providing logistics for a sale of goods without requiring interaction between a seller and a buyer, comprising the steps of receiving information from a seller regarding certain goods that said seller desires to sell. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67) providing said information to at least one prospective buyer regarding said certain goods; receiving a purchase request for said certain goods from a buyer; confirming said buyer's ability to pay for said goods, arranging for said certain goods to be transferred from said seller to said buyer; receiving payment from said buyer; confirming that said certain goods have been received by said buyer; and providing at least a portion of said received payment to said seller. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 26, Maritzen discloses wherein said certain goods are time-sensitive. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 27, Maritzen discloses wherein said certain goods are event tickets. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 28, Maritzen discloses wherein said event tickets are electronically transferred from said buyer to said seller. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 29, Maritzen discloses wherein said event tickets are physically transferred from said buyer to said seller. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 30, Maritzen discloses wherein said step of confirming said buyer's ability to pay for said goods includes authorizing a credit card of said buyer (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 31, Maritzen discloses wherein said step of receiving payment from said buyer includes charging said credit card. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 32, Maritzen further comprising the step of confirming said seller's ability to provide said certain goods prior to charging said credit card. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 33, Maritzen discloses wherein said step of providing said information to at least one prospective buyer is performed by use of a Web site. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 34, Maritzen discloses wherein said step of arranging for said certain goods to be transferred from said seller to said buyer includes determining a plurality of shipping options by use of a geography and time-based strategy, and providing said plurality of shipping options to said buyer. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

As per claim 35, Maritzen discloses wherein each of said steps is performed without disclosing the identities of said buyer and said seller to one another. (see column 1 lines 56-67 and column 2 lines 1-67 and column 3-8 lines 1-67).

2. Claims 36-43, are rejected under 35 U.S.C. 102(e) as being anticipated by Stone et al (Hereinafter Stone U.S. Patent 6, 873, 969.

As per claim 36 Stone discloses a method of providing logistics for a sale of event tickets, comprising the steps of

providing a Web site for receiving information from and presenting information to prospective sellers and buyers of event tickets;  
receiving information from a seller, including attributes of at least one event ticket that said seller desires to sell, and a location of said at least one event ticket;  
determining a last sale time based upon said location of said at least one event ticket, a point of last delivery, and a time when said associated event will occur(see column 5 lines 13-67 and column 13 lines 65-67 and column 16-47 lines 1-67 and column 69 lines 30-63)  
presenting said at least one event ticket for sale to prospective buyers by use of said Web site, until said at least one event ticket is sold or said last sale time passes;  
receiving a purchase request for said at least one event ticket from a buyer;  
providing at least one shipping option for selection by said buyer, and receiving an associated selected shipping option from said buyer .  
querying said buyer for information regarding a credit card to pay for said at least one event ticket;  
authorizing the credit card of said buyer for an amount of sale(see column 5 lines 13-67 and column 13 lines 65-67 lines 1-67 and column 69 lines 30-63)  
arranging for a courier to receive said at least one event ticket from said seller and deliver said at least one event ticket to said buyer, according to said selected shipping option, charging said credit card of said buyer for said amount of sale; receiving said amount of sale; and  
providing at least a portion of said amount of sale to said seller upon delivery of said at least one event ticket to said buyer. (Note abstract see column 5 lines 13-67 and column 13 lines 65-67 16-47 lines 1-67 and column 69 lines 30-63).

As per claim 37 Stone discloses further comprising the steps of  
receiving confirmation that said seller can provide said at least one event ticket prior to charging said credit card of said buyer. (see column 5 lines 13-67 and column 13 lines 65-67 and column 16-47 lines 1-67 and column 69 lines 30-63).

As per claim 38 Stone discloses (38) The method of claim 36 wherein said point of last delivery is determined to be the venue location of said event. (see column 5



lines 13-67 and column 13 lines 65-67 and column 16-47 lines 1-67 and column 69 lines 30-63).

As per claim 39, Stone discloses wherein said location of said at least one event ticket is determined to be the location of said seller. (see column 5 lines 13-67 and column 13 lines 65-67 and column 16-47 lines 1-67 and column 69 lines 30-63).

As per claim 40, Stone discloses further comprising the steps of:  
providing a seller an option for selling event tickets within a season ticket package;  
providing an interactive page on said Web site which automatically displays all events remaining in said season ticket package to said seller;  
allowing said seller to select any of said displayed events to place for sale, to enter sales information including a number of tickets for sale for each event, and a price per ticket for each event and presenting said sales information to prospective buyers by use of said Web site. (see column 5 lines 13-67 and column 13 lines 65-67 and column 16-47 lines 1-67 and column 69 lines 30-63).

As per claim 41 Stone discloses further comprising the steps of  
receiving a minimum sale price for said at least one event ticket from said seller; and  
receiving a desired sale price for said at least one event ticket from said seller;  
displaying a purchase price for said at least one event ticket to prospective buyers, said purchase price being initially equal to said desired sales sale price; and  
selectively reducing said displayed purchase price by a predetermined amount each time a predetermined time period expires until said at least one event ticket is sold or until said purchase price equals said minimum sale price. (see column 5 lines 13-67 and column 13 lines 65-67 and column 16-47 lines 1-67 and column 69 lines 30-63).

As per claim 42 Stone discloses further comprising the steps of.  
receiving a desired sale price for said at least one event ticket from said seller; and  
displaying a purchase price for said at least one event ticket to prospective buyers, said purchase price being initially equal to said desired sale price; and selectively varying said displayed purchase price based upon market conditions. (see column 5 lines 13-67 and column 13 lines 65-67 and column 16-47 lines 1-67 and column 69 lines 30-63).

As per claim 43 Stone discloses further comprising the steps of

Art Unit: 3628

determining a time remaining before said event tickets expire upon receiving said purchase request from said buyer, and determining said at least one shipping option based upon said time remaining before said event, and said location of said at least one event ticket. (see column 5 lines 13-67 and column 13 lines 65-67 and column 16-47 lines 1-67 and column 69 lines 30-63)

### Conclusion

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Liddy Eder (US Patent 6, 026, 388) teaches user interface and other enhancements for natural language information retrieval system and method.

Kohorn US PATENT: 5, 508, 731) teaches generation of enlarged participatory broadcast audience.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

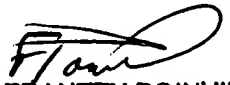
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

August 30, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Art 3628*